

DISTRICT COURT JUDGE BENJAMIN H. SETTLE
MAGISTRATE JUDGE KAREN L. STROMBOM

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

THOMAS W.S. RICHEY,

Plaintiff,

v.

D. DAHNE,

Defendant.

NO. 3:12-CV-05060-BHS-KLS

DEFENDANT’S RESPONSE TO
PLAINTIFF’S MOTION TO
COMPEL DISCOVERY

Defendant, DENNIS DAHNE, by and through his attorneys of record, ROBERT W. FERGUSON, Attorney General, and HALEY BEACH, Assistant Attorney General, respectfully submits the following Response to Plaintiff’s Motion to Compel Discovery, ECF No. 122, and requests that the Court deny Plaintiff’s motion.

I. RESPONSE

Plaintiff’s current motion to compel is unfounded. Plaintiff refers to an “Ex-1” that he states is a copy of a “Request for Production of Documents” that he “filed or attempted to file.” ECF No. 122, at 1. There is no Exhibit attached to Plaintiff’s motion, so it is unclear to what Plaintiff is referring. Defendant has timely responded to discovery in this matter and Plaintiff identifies no specific request for which Defendant has failed to provide a discovery response under Fed. R. Civ. P. 37(a)(3). Second, Plaintiff’s motion lacks the certification of any attempt to meet and confer regarding discovery, as required by Fed. R. Civ. P. 37(a)(1) and Local Civil Rule 37(a)(1). If Plaintiff has identified an issue with Defendant’s discovery responses, he should

1 initiate a discovery conference rather than immediately file a motion to compel. The Court has
2 previously advised the parties on this point, ECF No. 117 at 2, and the Rules clearly require it.
3 The Court should deny Plaintiff's motion to compel for these reasons.

4 **II. CONCLUSION**

5 Defendant respectfully requests that the Court deny Plaintiff's motion to compel
6 discovery.

7 RESPECTFULLY SUBMITTED this 27th day of September, 2019.

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9 Attorney General

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CERTIFICATE OF SERVICE

I certify that on the date below I caused to be electronically filed the DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO COMPEL DISCOVERY with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed a copy of the document through United States Postal Service to the following non CM/ECF participant:

THOMAS W.S. RICHEY, DOC #929444
WASHINGTON CORRECTIONS CENTER
PO BOX 900
SHELTON WA 98584

docwccinmatefederal@doc1.wa.gov

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED this 27th day of September, 2019, at Olympia, Washington.

s/ Cherrie Melby
CHERRIE MELBY
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